

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF PUERTO RICO**

UNITED STATES OF AMERICA

Plaintiff

v.

LUIS SANTANA MENDOZA (1)

Defendant

CRIMINAL NO.: 98-295 (JAF)

INFORMATIVE MOTION AND IN COMPLIANCE

TO THE HONORABLE COURT:

COMES NOW, the defendant **Luis Santana Mendoza**, represented by the undersigned court-appointed defense counsel, and hereby respectfully **STATES** and **PRAYS** as follows:

1. In light of this Honorable Court's order dated August 19th, 2008 (docket 160), and in order to present clear, competent, and admissible evidence of Mr. Santana's present mental health condition, Dr. Carol Romey was retained on August 30th, 2008 to perform an evaluation and to render a report to the court.

2. After having examined Mr. Santana on at least three occasions since then; and after having reviewed Mr. Santana's medical records, Dr. Romey is currently preparing the report for this Honorable Court, and will of course be present in order to testify at the hearing set for this coming Thursday, September 18th, 2008.

3. During a telephone conversation with AUSA Laborde Sanfiorenzo yesterday, we agreed to submit a copy of the report to her once we have it. We

expect to receive same by tomorrow. We will tender same to Ms. Laborde once we have it.

4. Being aware that delays are the root of the quandary before the court, and in order to avoid any more of them in detriment of Mr. Santana, we have made all possible efforts to investigate the matter fully, and conduct the necessary research during the last two weeks, which is the length of time of our tenure in this case.

5. Among some of the efforts made to this end, we can inform the court that subpoenas have been served to FBOP and USMS personnel with knowledge regarding the designation process of Mr. Santana, in order to insure that the best possible record can be developed.

6. In this same vein, we would request that USPTS Officer Evelyn Jimenez be available for the hearing, as Ms. Jimenez supervised Mr. Santana during his release on bail, and can vouch for his compliance with all conditions, and attest as to other relevant matters.

7. Lastly we requested from the records division of the court a copy of the court file for this case, since many of the docket entries are not available through the CM/ECF system due to their age. We deemed some of these entries relevant and possibly useful in order to establish a timeline of events. However, we have been informed that the file is not in Puerto Rico, it has been stored in the inactive file archives in the mainland, as informed by the records room clerk.

8. We are working with the file delivered to us by Mr. Santana's former counsel, Luis Rivera Rodríguez Esq. in order to reconstruct events, although it is our position that the burden is on the Government to justify the irregular events, and late designation of Mr. Santana, as his only duty was to comply with his conditions

of release; report regularly to his USPTS Officer; and comply with any directives from the court, all of which he did as can be gleaned from the record.

9. In conclusion, and as has been required by the court, we expect to be ready by Thursday to present before the court evidence of Mr. Santana's mental health, and to aid the court in any other way possible as to the final determination of this matter.

WHEREFORE, it is respectfully requested from this Court to take notice of the above.

RESPECTFULLY SUBMITTED.

In San Juan, Puerto Rico, this 16th day of September, 2008.

CERTIFICATE OF SERVICE: I hereby certify that on this same date, I electronically filed the foregoing with the Clerk of the Court, using the CM/ECF system, which will send automatic notification of such filing to: AUSA Desiree Laborde-Sanfiorenzo.

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